



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): JUZWIAK, et al
APPLN. NO.: 10/801,104
FILING DATE: March 15, 2004
TITLE: TAILGATE MODULE
DOCKET: TRM TR010037CON
CUSTOMER NO.: 32047

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.53(b)

Dear Sir:

As a Response to Notice to File Missing Parts of Non-Provisional Application, Applicant files this Petition under 37 CFR 1.53(b) to accept filing under the circumstances that inventor Robert Juzwiak has refused to sign.

Robert Juzwiak was a former employee of the assignee and had an obligation of assignment of all inventions developed in the course of his employment relating to the subject matter of his employment. The present application comprises subject matter for which Mr. Juzwiak had an obligation of assignment to the assignee.

The undersigned attempted to contact Mr. Juzwiak at his last known address, 9410 Corinne, Plymouth, Michigan 48170. On July 30, 2004, U.S. Postal Service Express Mail package (Tracking No. EV177746692US) containing a copy of the patent application, the Declaration and Power of Attorney and Assignment documents, and a postage-paid return envelope, was mailed to Robert Juzwiak at the above address. According to U.S. Postal Service records, the package was delivered on July 31, 2004 and was signed for by R. Juzwiak. The signed Declaration and Power of Attorney and Assignment documents were not returned as requested. A copy of the letter to Mr. Juzwiak, the Express Mail receipt, and the Delivery Status Sheet for the U.S. Postal Service, are attached. An Internet search was performed and no other address could be located in the state of Michigan for Robert Juzwaik. The results of that Internet search are also attached.

The undersigned respectfully submits that factual proof has been presented that diligent effort has been made to contact Mr. Juzwaik at his last known address, as attested to by the undersigned's signature below.

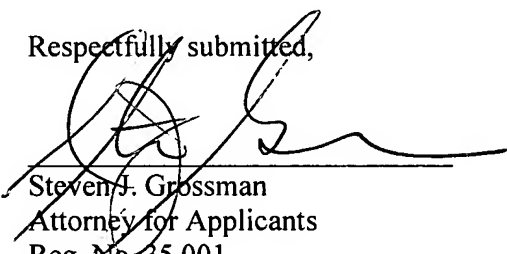
Applicant includes herein a redacted copy of a signed Textron Automotive Company Invention Disclosure form of Robert Juzwiak entitled "Tail Gate Module", attorney docket TR01-0037US, which is the underlying disclosure document of Robert Juzwiak that was submitted in this matter. This document was submitted and signed by Robert Juzwiak on March 8, 2001 and witnessed by Steve Savalle and Rick Schlaler on March 8, 2001. This document confirms that Mr. Juzwiak understood on obligation to disclose and assign his inventions to Textron Automotive Company.

Pursuant to MPEP 409.03(g) applicant states that the underlying filing date of the present application is necessary to preserve the rights of the applicant to prevent irreparable damage.

Accordingly, it is respectfully submitted that the requirements of 37 CFR 1.53(b) have been fully satisfied and the present application be accepted for prosecution on the merits.

It is not believed that there are any fees associated with this petition; however, in the event there any fees are payable, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,



Steven J. Grossman
Attorney for Applicants
Reg. No. 35,001

Grossman, Tucker, Perreault & Pfleger, PLLC
55 South Commercial Street
Manchester, New Hampshire 03101

CERTIFICATE OF MAILING

Date of Deposit: November 17, 2004

I hereby certify that this paper and the papers listed thereon are being deposited with the United States Postal Service under 37 CFR 1.10 on the date indicated above, and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature of person mailing: Mary Boyd
Name of person mailing: Mary Boyd



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Shipment Details

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Your item was delivered at 3:15 pm on July 31, 2004 in PLYMOUTH, MI 48170. The item was signed for by R JUZWIAK.

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- NOTICE LEFT, July 31, 2004, 11:10 am, PLYMOUTH, MI 48170
- ARRIVAL AT UNIT, July 31, 2004, 10:15 am, PLYMOUTH, MI 48170
- ENROUTE, July 30, 2004, 6:32 pm, MANCHESTER, NH 03103
- ACCEPTANCE, July 30, 2004, 4:48 pm, MANCHESTER, NH 03101

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Date In Mo. Day Year 12 30 04	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. 79 ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials NR	Total Postage & Fees \$ 13.65

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Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Date Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. When delivery is to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
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TRMTR010037CON

Carol

TO: (PLEASE PRINT)

PHONE ()

MR. Robert Juzwiak
9410 Corinne Street
Plymouth, MI
48170-4024

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July 30, 2004

Mr. Robert Juzwiak
9410 Corinne Street
Plymouth, MI 48170-4024

Steven J. Grossman Ph.D. (NH)
Teresa C. Tucker (NH)
Donald J. Perreault (NH, MA)
Edmund P. Pfleger (AZ)
Scott R. Faber (PA)
Kevin J. Carroll (NH, MA)
Jeffrey T. Placker (MA)

RE: Juzwiak, et al
US Patent Appln. Serial No. 10/801,104
Filed: March 15, 2004
Continuation of PCT/US02/29187
For: **Tailgate Module**
Our Ref: TRM TR010037CON

Patent Agent:
Richard D. Rhodes

Dear Mr. Juzwiak:

We are patent counsel for Collins & Aikman with respect to the above-referenced case. Enclosed please find a copy of the pending application, which you have been named as an inventor.

In accordance with your previous employment obligations, I respectfully request your signature on the enclosed Declaration/Power of Attorney and Assignment.

Please sign and return the attached Declaration and Assignment forms as soon as possible. A postage paid return envelope is enclosed for your convenience. If you have any questions, please do not hesitate to contact this office.



Thanking you in advance for your cooperation with this matter.

Sincerely,


Steven J. Grossman Ph.D.

SJG: clm
Enclosures

G:\Cms\GTPP\PC & A\TR01 Serial\TR010037\TR010037CON\tr to non-signing inventor R Juzwiak 07.30.04.doc



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ZIP + 4® Code Lookup Results

Below is the correct ZIP + 4 Code from the address information that you provided.

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Check Digit: 9

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Invention Disclosure #: T201-0037US

Receipt Date Stamp:

TEXTRON AUTOMOTIVE COMPANY

- CONFIDENTIAL -

INVENTION DISCLOSURE

TAIL GATE MODULE

INVENTION TITLE

ROBERT JUZWIAK

AARON BERENDT

INVENTOR(S)

General guidelines relative to the completing and processing of this form:

1. All responses must be in permanent ink.
2. All names and dates must be spelled out completely to avoid possible misinterpretation.
3. For any item requiring more elaboration, attach a separate sheet which is signed, dated, and witnessed.
4. Drawings must be signed, dated, and witnessed (whether or not attached) for proof of invention.
5. Inventors should retain a photocopy of the submitted disclosure for their own records.
6. Return the completed disclosure in a confidentially marked envelope (inter-company or US mail) to the designated processing location below:
Trim Operations: 74 Industrial Park Drive, Dover, NH, 03820; Attn.: Cheryl Wood (603) 743-2474
McCord Winn: 645 Harvey Rd, Manchester, NH, 03103; Attn.: Dick Rhodes (603) 628-3728
7. Upon receipt of the disclosure by TAC, it will be assigned a case number for recording and future correspondence between the inventor(s) and TAC.
8. Once the disclosure has been reviewed by TAC, the inventor(s) will be notified as to the necessary action.
9. For additional assistance relative to completing this form contact Automotive Technology Center **TEXTRON**, 74 Industrial Park Drive, Dover, NH, 03820; (603) 743-2431.
10. The most recent approved revision of this form is available on the Troy P:\TAC_NT_2\FSHARE network at location p:\patents\invntdis.doc (Note: The drive identifier may vary based on user location).

4/30/01 G. Henry

V. **Sketch of the Invention:** *(If more space is required attach a separate sheet, or if drawings were generated previous to this disclosure attach a copy. In either instance, the drawings should be signed, dated, and witnessed; and identified below.)*

VI. **Description of the Invention:** Describe: (a) what is presently being done, (b) how the invention will improve the present method, (c) what is believed to be inventive about the subject matter, (d) any variations of a broader scope than those preferred, and (e) any related prior art including patents, scientific articles, technical bulletins, etc. *(If more space is required attach a separate sheet, or if reports or other documents were generated previous to this disclosure attach a copy. In either instance, the attached items should be signed, dated, and witnessed; and identified below.)*

VII. Inventor(s):

(Print FULL names and addresses)

Name: Robert Juzwiak
 Address: 9410 Corinne
Plymouth, Mi. 48170
 Signature: [Signature]
 Date: _____

Employee ☒ TAC or affiliate
☐ Other: _____
 Facility: Opburn
 Day Phone: (248)829-7468
 Citizen of: U.S.

Name: Aaron Berendt
 Address: 565 Hill
Milford, Mi. 48381
 Signature: [Signature]
 Date: 3.8.01

Employee ☒ TAC or affiliate
☐ Other: _____
 Facility: Opburn
 Day Phone: (248)829-7473
 Citizen of: U.S.

Name: _____
 Address: _____
 Signature: _____
 Date: _____

Employee ☐ TAC or affiliate
☐ Other: _____
 Facility: _____
 Day Phone: _____
 Citizen of: _____

Name: _____
 Address: _____
 Signature: _____
 Date: _____

Employee ☐ TAC or affiliate
☐ Other: _____
 Facility: _____
 Day Phone: _____
 Citizen of: _____

VIII. Witnesses: (Two witnesses are required. A witness should be a technically competent person who reads and understands what is being reported, but who is NOT the inventor, co-inventor, or any other person who has responsibility for technical advice in connection with the project.)

This invention was read and understood by me:

Name: STEVE SAVALLI
 Address: 10030 WALDEN RD
CLARKSTON MI. 48346
 Day Phone: 248 829-7020

Signature: [Signature]
 Date: 3/8/01
 Facility: OPBURN
 Citizen of: U.S.

Name: RICK SCHLAFER
 Address: 3278 SCHOOLHOUSE DR
WATERFORD MI. 48329
 Day Phone: 248 829 7020

Signature: [Signature]
 Date: 3-8-01
 Facility: OPBURN
 Citizen of: USA